

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DUWAYNE CAREY,	)	
	)	Civil Action No. 05 - 1695
Plaintiff,	)	
	)	District Judge Terrence F. McVerry /
vs.	)	Magistrate Judge Lisa Pupo Lenihan
	)	
BARRY JOHNSON; SUSAN MYERS;	)	
MATTHEW MORROW; MARK	)	
HAMMER; DR. JAMIL AHMED; and	)	
DR. DURRE AHMED,	)	
	)	
Defendants.	)	

**ORDER**

On December 8, 2005, the above captioned case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation (doc. no. 58), filed on October 13, 2006, recommended that the motion to dismiss filed by Defendants Mark Hammer, Dr. Jamil Ahmed and Dr. Durre Ahmed (doc. no. 18) be granted and that Plaintiff's claims against non-moving Defendants Barry Johnson, Susan Myers and Matthew Morrow be dismissed in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(PLRA). In addition, it recommended that Plaintiff's motions for injunctive relief (doc. nos. 14 and 49) be denied as moot. The parties were advised they were allowed ten (10) days from the date of service to file written objections to the report and recommendation. Plaintiff filed Objections on November 29, 2006 (doc. no. 64). After review of the pleadings and documents in the case, together with the report and recommendation, and the objections thereto, the following order is entered:

**AND NOW**, this 13<sup>th</sup> day of December, 2006;

**IT IS HEREBY ORDERED** that the motion to dismiss filed by Defendants Mark Hammer, Dr. Jamil Ahmed and Dr. Durre Ahmed (doc. no. 18) is **GRANTED** and Plaintiff's claims against non-moving Defendants Barry Johnson, Susan Myers and Matthew Morrow are **DISMISSED** in accordance with the Prison Litigation Reform Act, 28 U.S.C. § 1915(e)(2)(B)(PLRA).

**IT IS FURTHER ORDERED** that Plaintiff's motions for injunctive relief (doc. nos. 14 and 49) are **DENIED** as moot.

**IT IS FURTHER ORDERED** that the Report and Recommendation (doc. no. 58) of Magistrate Judge Lenihan, dated November 16, 2006 is adopted as the opinion of the court.

By the Court:

s/ Terrence F. McVerry  
United States District Judge

cc: Lisa Pupo Lenihan  
United States Magistrate Judge

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